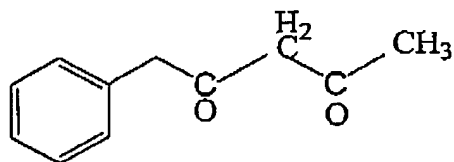


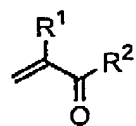
REMARKS

Examiner has rejected claims 1, 2, 4-9 and 14-17 under 35 U.S.C. 102(b) as being anticipated by JP 05-269,181, ("JP 181") stating that "JP 05-369,181 expressly discloses an antimicrobial soft contact lens comprising 69.7 w% 2-hydroxyethyl methacrylate, 24.6 w% methyl methacrylate, 0.4 w% ethylene glycol dimethacrylate and 5 w% silver acrylacetate or 5 w% benzoyl acetate."

The Office Action mailed August 28, 2003 stated "Applicant argues that 2-propanone is not included in the Markush group for R2 or R2 and R3 taken together. However, the claims do not require that the monomer and silver must be a single compound. The claims only require that there be a monomer of formula I and silver. Applicant has not addressed the other monomers in the rejection, as such, the rejection is maintained." Applicants do not understand what the Examiner's means by "Applicant has not addressed the other monomers in the rejection". If Examiner means that Applicant's did not specifically address benzoyl acetate, Applicants apologize. Benzoyl acetate has the following structure:

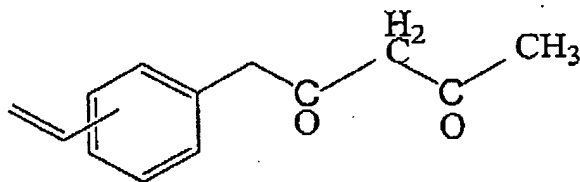


Benzoyl acetate is not included within Formula I, which is



Formula I has a terminal vinyl group and R1 is defined as hydrogen or C1-6 alkyl. Clearly the benzoyl acetate in JP '181 neither discloses nor suggests a compound within Formula I as claimed. Applicants apologize for not presenting this information in the previous response, however, because of the structural differences, Applicant did not realize that Examiner considered the disclosure of benzoyl acetate relevant to claim 1.

JP '181 also discloses vinylbenzoyl acetone in Example 1 (paragraph 34 and 35). Vinylbenzoyl acetone has the following structure:



This structure is also missing the acryl backbone required in Formula I. Applicants did not previously address this monomer because it was not cited in Examiner's rejection.

If the above is not what Examiner intended by the statement "Applicant has not addressed the other monomers in the rejection" Applicants respectfully request Examiner more explicitly identify the remaining rejection grounds so they may be addressed on appeal.

It appears that Applicants arguments presented on June 11, 2003 may have overcome the rejection based upon the JP '181 disclosure of acrylacetate. Confirmation is requested.

Rejections under 35 USC 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. In other words, to constitute an anticipation, all material elements recited in a claim must be found in one unit of prior art. In re Marshall, 198 USPQ 344, (1978).

JP '181 does not disclose a polymer comprising a monomer of Formula I, as claimed. Accordingly the rejection based upon 35 USC 102 should be withdrawn.

Examiner has also maintained the rejections of claims 1-17 under 35 U.S.C. 103 as unpatentable over JP '181 in view of US 5,998,498 (Vanderlaan) and (US 3,929,741 (Laskey).

Vanderlaan discloses soft contact lenses formed from silicone hydrogels. The use of any antimicrobial agents, let alone those of the present invention is not disclosed.

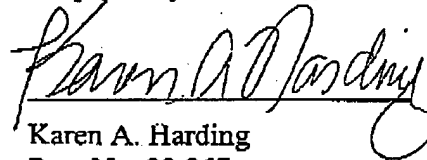
Laskey discloses polymer compositions comprising a hydrophilic polymer obtained by polymerization of an acrylamido alkyl sulfonic acid monomer which have the ability to ingurgitate water "in extremely high quantities, even up to 400 times the weight of the polymer." See column 1, lines 31 through 36. Laskey is also silent with respect to the incorporation of antimicrobial agents of any kind.

As discussed above, JP '181 does not disclose or suggest incorporating the presently recited monomers of Formula I in to a contact lens. Laskey and Vanderlaan are similarly silent as to the use of monomers of Formula I, as recited in claim 1. Accordingly, there is nothing in the references, taken alone or in combination, which would suggest that the monomers of Formula I could be incorporated into a contact lens.

Applicants respectfully submit that the foregoing remarks traverse the Examiner's rejections with respect to claims 1-17. Applicants note with appreciation Examiner's indication that claims 18-24 contain patentable subject matter. Applicants reserve the right to prosecute the claims encompassed by any of the non-elected groups in future divisional applications.

The examination of these claims and passage to allowance are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicants invite the Examiner to contact the undersigned at (904) 443-3074 to clarify any unresolved issues raised by this response.

Respectfully submitted,



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